

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

SINGING RIVER HEALTH SYSTEM)
a/k/a SINGING RIVER HOSPITAL)
SYSTEM,)
Plaintiffs,)
v.) Civil Action No.:
KPMG LLP,) 3:15-cv-00036-HTW-LRA
Defendant.)

**DEFENDANT KPMG LLP'S MOTION TO DISMISS,
OR, IN THE ALTERNATIVE, TO STAY**

Defendant KPMG LLP (“KPMG”) moves to dismiss Plaintiff Singing River Health System’s (“Singing River”) complaint pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(3) for lack of subject matter jurisdiction and improper venue or, in the alternative, to stay the action pursuant to the Federal Arbitration Act, 9 U.S.C. § 3. In support of its Motion, KPMG shows the Court the following:

1. This Court lacks subject matter jurisdiction because Singing River cannot plead facts establishing complete diversity of citizenship between it and KPMG;

2. Venue is improper because Singing River's claims are subject to its valid, binding arbitration agreement with KPMG; and
3. In the alternative, if the Court determines that it has federal subject matter jurisdiction over this dispute, the Court should stay the action pending arbitration of Singing River's claims pursuant to its valid, binding arbitration agreements with KPMG.

For the reasons set forth in its supporting Memorandum, KPMG requests that the Court dismiss Singing River's complaint or, in the alternative, stay this action pending arbitration. Pursuant to Rule 16(b)(3)(B) of the Uniform Local Rules for the Southern District of Mississippi, KPMG also requests that the Court stay the attorney conference and disclosure requirements and all discovery not related to the issues raised in KPMG's Motion.

DATED: March 6, 2015.

Respectfully submitted,

KPMG LLP

By: s/Amelia Toy Rudolph
One of Its Attorneys

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CERTIFICATE OF SERVICE

I hereby certify that on March 6, 2015, I electronically filed a true and correct copy of the foregoing with the Clerk of the Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

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